

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

PAUL TURNBULL)

Case No. 1:20-mj-52(DJS)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of November 1, 2019 up to and including January 27, 2020 in the county of Albany in the Northern District of New York the defendant(s) violated:

Code Section
18 U.S.C. Sections 2252A(a)(1)

Offense Description
Transportation of Child Pornography

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

James C. Hamilton, HSI SA

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/27/2020

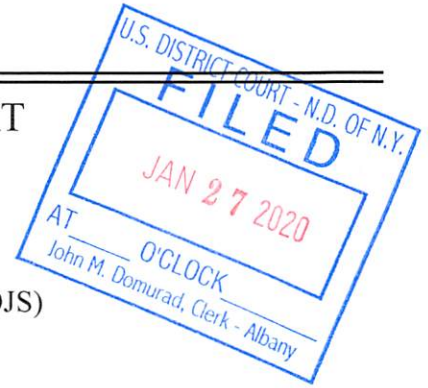


Judge's signature

City and State: Albany, NY

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James C. Hamilton, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a Criminal Complaint alleging the violation of 18 U.S.C. §§ 2252(A)(a)(1), Transportation of Child Pornography committed by Paul TURNBULL.

2. I am a Special Agent with the US Immigration and Customs Enforcement Office of Homeland Security Investigations ("HSI") and have been since June 2002. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). I have been a law enforcement officer for 22 years. I was a police officer for approximately 5 years and have been a Special Agent for 17 years. My career as a Special Agent began in June 2002 with the U.S. Customs Service, which is now known as U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI). Prior to my employment as a Special Agent, I was a police officer in the state of Tennessee from September 1997 until June 2002.

3. As an HSI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the possession, transportation, distribution, and receipt of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have

a Bachelor of Science Criminal Justice degree and a Master of Public Management degree. I have completed the Criminal Investigator Training Program and Customs Basic Enforcement School at the Federal Law Enforcement Training Center in Glynco, GA. During both basic training, and subsequent training, I received instruction on conducting online child pornography investigations. I have also been the affiant for and participated in the execution of numerous Federal search and arrest warrants in child pornography and child exploitation investigations.

4. This affidavit is made in support of a criminal complaint alleging violation of 18 U.S.C. §§ 2252(A)(a)(1), Transportation of Child Pornography.

5. The statements in this affidavit are based in part on information and reports provided by NCMEC, Google, and on my experience and background as a Special Agent. Since this affidavit is being submitted for the limited purpose of supporting probable cause to arrest by criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to arrest in support a criminal complaint alleging violation of Title 18, United States Code, Section 2252A(a)(1), Transportation of Child Pornography.

NCMEC CYBERTIPLINE

6. NCMEC is a private, nonprofit corporation, incorporated under the laws of the District of Columbia. It was created to help find missing children, reduce child sexual exploitation and prevent child victimization. NCMEC serves as the national clearinghouse for families, victims, private industry, law enforcement, and other professionals on information and programs related to missing and exploited children issues. NCMEC employs over 330 individuals and works with hundreds of volunteers to facilitate outreach and community child safety events nationwide. NCMEC began operating the Cybertipline on March 9, 1998, to serve as the national

online clearinghouse for tips and leads relating to instances of child sexual exploitation. The Cybertipline (www.missingkids.org/cybertipline) was developed to further NCMEC's private mission to help prevent and diminish the sexual exploitation of children by allowing the public and electronic service providers ("ESPs") to report online (and via toll-free telephone) the enticement of children for sexual acts, extra-familial child sexual molestation, child pornography, child sex tourism, child sex trafficking, unsolicited obscene materials sent to a child, misleading domain names, misleading words or digital images on the Internet. A secure Cybertipline was created in February 2000 to facilitate the reporting of apparent child pornography by ESPs. Once registered with NCMEC, ESPs can upload files relating to child sexual exploitation content when making reports to NCMEC using a secure electronic connection. Uploaded files may include images, video or other reported content.

7. Neither the government nor any law enforcement agency created the Cybertipline or has input into Cybertipline operations. The government does not instigate, direct or provide guidance to NCMEC in its processing of Cybertipline reports. NCMEC receives complaints via their Cybertipline from Internet Service Providers (ISPs), Electronic Service Providers (ESPs), and others. These Cybertipline reports are reviewed by a NCMEC analyst and forwarded to law enforcement for further investigation on the information provided in the Cybertipline report. Cybertipline Reports, also referred to as Cybertip reports, are provided directly to HSI through an HSI special agent, who is assigned to NCMEC as the HSI liaison. The reports are then directed to the appropriate HSI field office through the HSI liaison. NCMEC also provides Cybertip reports to other federal law enforcement agencies and to state and local agencies through Internet Crimes Against Children (ICAC) Task Forces in every state.

GOOGLE

8. Google provides a variety of on-line services, including electronic mail (“email”) access, communications access, online “cloud” storage, and social media access to the public. Subscribers obtain an account by registering with Google. During the registration process, Google asks subscribers to provide basic personal information. Once an account is created, subscriber can also store files in addition to emails, such as address books, contact or buddy lists, calendar data, pictures (other than ones attached to emails), and other files, on servers maintained and/or owned by Google using a variety of Google’s services. Google is an online communication service, social media platform and file storage service that relies on the Internet, which is a means and facility of interstate and foreign commerce allowing users to store, share and communicate via the Internet.

IDENTIFICATION OF CHILD PORNOGRAPHY BY GOOGLE

9. Google utilizes computer software in conjunction with NCMEC to identify known images of child pornography. The software works by computing a unique hash value¹ that represents the image. This hash value is computed such that it is resistant to alterations in the image, including resizing and minor color alterations. The software’s database is populated with hash values provided by NCMEC of known images of child pornography.

10. As soon as a user of Google uploads an image to the respective site, the hash value of the image is compared to the software’s database of known child pornography image hash values. If a match is detected, the image and the user’s IP address are blocked. Google then automatically creates a report to NCMEC via the Cybertipline. Employees of Google may or may

¹ “A ‘hash value’ is an alphanumeric string that serves to identify an individual digital file as a kind of ‘digital fingerprint.’ Although it may be possible for two digital files to have hash values that ‘collide,’ or overlap, it is unlikely that the values of two dissimilar images will do so. *Id.* at 226 n.2 (citing *United States v. Cartier*, 543 F.3d 442, 446 (8th Cir. 2008)).

not manually review any images before they are reported to NCMEC. Google employees do not monitor rooms looking for contraband images, rather, they rely on the computer software that compares hash values of image and video files found within their company servers and websites with the hash values of known child pornography files. Only images recognized as contraband by the computer software are reported to NCMEC. The user's IP address is then banned from sharing any further files over Tumblr and Google.

INVESTIGATION BACKGROUND

Cybertipline Reports 59094290 and 59101443

11. On November 7, 2019, Google sent Cybertipline Reports 59094290 and 59101443 to NCMEC and listed the Incident Type as "Apparent Child Pornography." Cybertipline Report 59094290 is one report that is the subject of this search warrant request. Cybertipline Report 59101443 is not included as a subject of this search warrant request as it does not report any uploaded child pornography files, however, it is a supplemental report to Cybertipline Report 59094290 and is relevant to this investigation.

12. Cybertipline Report 59094290 noted that "NCMEC Incident Type is based on NCMEC's review of the report OR a "Hash Match" of one or more uploaded files." The report also noted that NCMEC staff viewed one or more of the uploaded files submitted by Google. The report states that Google discovered 35 files and its employees viewed two which they confirmed depicted child pornography. The NCMEC report also indicated that there are multiple reports on the same suspect and directed readers to "see Cybertip Report #59101443 for further information."

13. Google reported that on November 7, 2019 at 07:41:48 UTC Google discovered that 35 images it believed to be child pornography based on hash value were uploaded from the following user account:

Name: Paul Turnbull
Email Address: turnbullp9@gmail.com
Mobile Phone: 15189035078 (Verified 06-06-2017 22:33:51 UTC)
IP Address: 107.242.117.39 (Login)
11-06-2019 @ 00:56:19 UTC

14. Google reported that the images were uploaded on November 5, 2019. The two standard questions asked of Google were: (1) “Did Reporting ESP view entire contents of uploaded file?” and (2) “Were entire contents of uploaded file publicly available?” To both of those questions, the answers on the report are “(Information Not Provided by Company)” or “No” except for the two images viewed by Google employees. One of the files that Google employees viewed is described as follows:

- a. **Filename:** 1570613227982.png
MD5 Hash Value: CA2E27D46D2F218A05CE49339D7BB43A
Description: This image file depicts the body of a naked prepubescent boy from the thigh to the stomach. A hand of an unknown person is touching the boy’s penis.

15. The MD5 hash values were provided by Google for all 35 files that were uploaded to Google by the account user turnbullp9@gmail.com, and these MD5 hash values were compared with the HSI Cyber Crimes Center secure library. HSI Computer Forensic Examiner Christopher Vogeler within the HSI Computer Crimes Center Victim Identification Program notified me that two files returned with an exact hash value match, provided me with a copy of the file, which I personally reviewed and are available for review by the Court, are described as follows:

- a. **Filename:** 1551717588.gif
MD5 Hash Value: 0d9d2d0332ec1a344ad6f0b6577c8f91
Description: This image file depicts a prepubescent boy, approximately 8-10 years old, wearing only underwear. He is on his knees on a bed, he pulls his underwear down to expose his erect penis, and he rubs his penis before falling onto the bed. This file is an image file; however, it plays like a short video, and was possibly recorded using “live” technology, in which a user creates a photograph on a cell phone that actually briefly records for a few seconds.
- b. **Filename:** 1551717152.gif
MD5 Hash Value: 03a53c17cc8c18f628b514f56c2fbe2d

Description: This image file depicts a prepubescent boy, approximately 10 years old, that is naked while sitting down. The boy is rubbing his erect naked penis, and he tilts his head backwards. This file is an image file; however, it plays like a short video, and was possibly recorded using “live” technology, in which a user creates a photograph on a cell phone that actually briefly records for a few seconds.

16. In Cybertip Report #59101443, Google provided information that the email account turnbullp9@gmail.com was created on June 14, 2017 at 10:30:13 UTC and lists Paul Turnbull as the account holder. Google also reports in Cybertip Report #59101443 that there is an account for a video sharing website owned by Google in which the subscriber uses email address turnbullp9@gmail.com, and the account lists a subscriber date of birth of 11/xx/19xx (redacted) for the account. Google employees searched the New York State Sex Offender Registry for the name “Paul Turnbull” and found a convicted sex offender by that name. Google reported that innocuous images were located in the Google account turnbullp9@gmail.com and the images appear to depict the same individual seen on the www.criminaljustice.ny.gov sex offender website for Paul Turnbull.

17. Using the information provided by Google in Cybertip Report 59101443, I accessed the New York Sex Offender Registry through a law enforcement database. I found a convicted sex offender named Paul TURNBULL that resides in Cohoes, New York. The sex offender registry shows TURNBULL has date of birth 11/xx/19xx (redacted), the same date of birth that Google provided in Cybertip Report 59101443. According to the sex offender registry and the criminal history report for Paul TURNBULL, date of birth 11/xx/19xx (redacted), TURNBULL has three convictions for possessing the sexual performance of a child under the age of 16, in violation of New York Penal Law 263.16. TURNBULL was arrested in 2002 by the Mechanicville Police Department in Mechanicville, NY for possessing a sexual performance of a child; again in 2008 by the Ballston Spa Police Department in Ballston Spa, NY for possessing a sexual

performance of a child; and a third time in 2010 by the New York State Police in Malta, NY for possessing a sexual performance of a child.

18. On January 24, 2020, a search warrant was applied for and obtained from Hon. Daniel J. Stewart, Northern District of New York, to conduct a search of the premises of Paul TURNBULL at his residence in Albany County, including any computers, computer equipment, computer storage media, and electronic storage media located therein. Of note, Paul TURNBULL is the only person to reside at that residence. The search warrant was executed on January 27, 2020.

SEARCH WARRANT EXECUTION

19. The warrant was executed on January 27, 2020, at the residence of Paul TURNBULL. TURNBULL was home. TURNBULL is the only person who resides at the residence, which he confirmed. A Kindle tablet, Motorola cellular telephone, thumb drive, a DVD collection, and a Dell Lap Top computer, were recovered from the residence, with on-scene forensic previews conducted of those items. TURNBULL identified all these items as belonging to him.

20. Also observed and located at the residence was a children's underwear collection, in excess of 200 pairs, found in his bedroom, as well as a collection of sex toys. TURNBULL was taken into custody and transported to the police station where he was administered Miranda warnings which he waived and agreed to speak with agents.

21. TURNBULL eventually, though not initially, ultimately did identify turnbullp9@gmail.com as his being his gmail account. In fact, he initially had indicated he did not want to identify that as being his gmail account because he knew that would incriminate him, though he did acknowledge later during the interview that the gmail account was his.

22. TURNBULL stated that he had been locked out of his Google account when he was

transferring child pornography files from his Google cloud account to a Mega cloud account. He indicated it was at that point he believed Google may have found his child pornography files and he stated that he deleted all his child pornography files and images off of all his devices at that point in time. TURNBULL admitted masturbating to the child pornography images possessed by him and that he was sexually attracted to images of 10-13 year old boys.

23. TURNBULL was shown approximately 15-20 of the files and/or images that Google had reported to NCMEC (Google had reported or provided approximately 35 total images and/or files). During his interview, TURNBULL described having moved the child pornography images and files he possessed from his Google to Mega account. TURNBULL further admitted, identified, and acknowledged having previously possessed in his Google account several child pornography files and/or images, including the following files and images:

(a) Filename: 1551717588.gif

Description: This image file depicts a prepubescent boy, approximately 8-10 years old, wearing only underwear. He is on his knees on a bed, he pulls his underwear down to expose his erect penis, and he rubs his penis before falling onto the bed. This file is an image file; however, it plays like a short video, and was possibly recorded using “live” technology, in which a user creates a photograph on a cell phone that actually briefly records for a few seconds.

(b) Filename: 1570368417985.jpg

Description: This image file depicts a prepubescent boy, approximately age 10, naked from the waist down, with his penis exposed to the camera, as another subject inserts an orange plastic penis into the boy’s anus.

(c) Filename: 1570610972924.png

Description: This image file depicts a naked boy, approximately age 10. A naked adult male is inserting his penis into the boy's buttocks.

(d) Filename: 1570611041253.png

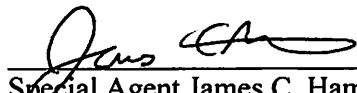
Description: This image file depicts a clothed boy, approximately 5-7 years old, laying down on his stomach, with an adult penis in his mouth.

(e) Filename: 1570612977006.png

Description: This image file depicts a naked boy, approximately 5-8 years old, laying on his stomach, with his hand on a naked adult penis. The penis is near the boy's mouth.

CONCLUSION

24. Based on the foregoing information, I submit there is probable cause to believe that Paul TURNBULL has committed the violation of Title 18, U.S.C. Section 2252A(a)(1), Transportation of Child Pornography, in that, he (a) knowingly transported a visual depiction in interstate or foreign commerce, by any means including over the internet, (b) the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and (d) the defendant knew that at least one of the performers in such visual depiction was a minor and knew that the visual depiction was of such minor engaged in sexually explicit conduct.


Special Agent James C. Hamilton
Homeland Security Investigations

Sworn and subscribed before me
this 27 day of January 2020


HONORABLE DANIEL J. STEWART
UNITED STATES MAGISTRATE JUDGE